



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Seventh day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) Nos.6104 & 6106 of 2015

1 LEELAVATHI

2 NADHIYA

A.RAVIKUMAR

..PETITIONERS/ACCUSED 1 and 3
in Crl.OP (MD) No.6104/2015

..PETITIONERS/ACCUSED No.2
in Crl.OP (MD) No.6106/2015

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR.

CRIME NO.04/2015 RESPECTIVELY.

..RESPONDENT/COMPLAINANT
in both the petitions

For Petitioner : M/S.K.SAMIDURAI Advocate in both the petitions

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.Side)

For Intervenor : Mr.S.RAMASAMY, Advocate in both the petitions

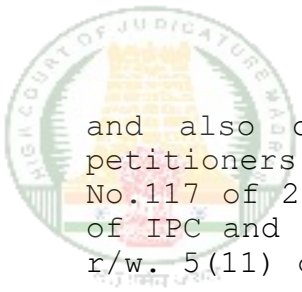
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 406, 420 and 506(ii) of IPC in Crime No.04 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the accused Nos. 1 and 3 have informed the de facto complainant that they would get gold jewels in cheaper rate from Kerala business man and induced the de facto complainant to part payment of Rs.25,00,000/-. Subsequently, the de facto complainant has also paid the same by way of cash on 18.10.2014, 13.11.2014 and 23.11.2014, Rs.3,00,000/-, Rs.11,00,000/- on Rs.11,00,000/-, respectively, at PLA Ram Residency Lodge at Karur. After receiving the money, neither the amount nor the jewels has been returned to the de facto complainant. Therefore, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that there was a dispute between one G. Ramakrishnan's family and the petitioners family regarding money transactions, for which the said Ramakrishnan instigated the de facto complainant to give a false complaint against the petitioners. He further submitted that, on the dates of alleged payment by the de facto complainant at Karur, the petitioners were in Arupukottai Police Station. The said Ramakrishnan along with his wife <https://hcservices.ecourts.gov.in/hcservices/> and one retired Police Officer viz., Subbaiah had trespassed into the house of the petitioners at 3.30 pm on 06.02.2015 and assaulted the first petitioner's husband and abused him in unparliamentary words



and also criminally intimidated the petitioners. Against which, the petitioners gave a complaint and the same has been registered in crime No.117 of 2015 for the offences under Sections 147,448,323,306 and 506(i) of IPC and Sec 4 of Tamil Nadu Prohibition of Harassment of Women Act and r/w. 5(11) of IPC.

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4. The learned counsel for the petitioners further submitted that one Selvlarani, W/o.Ramakrishnan gave a similar complaint against the petitioners on 03.09.2014 for the occurrence alleged to have taken place on 02.07.2012. Further, the de facto complainant signed as witness in the said complaint and the same has been closed as mistake of fact. It is unbelievable that the de facto complainant has signed in the complaint given by the said Selvarani, w/o.Ramakrishnan that the petitioners have cheated Selvarani and they would have been given Rs.25,00,000/-.

5. The learned counsel for the intervenor submitted that the petitioners have cheated the de facto complainant that they would get jewels at cheaper rate from the Kerala business man and received a sum of Rs.25,00,00/- and did not give jewels and did not repay the amount.

6. The learned Government Advocate (Crl. Side) would submit that investigation of the case is pending.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioners have given a complaint against one Ramakrishnan, Selvarani and Subbiah and that the complaint given by the Selvarani against the accused persons for alleged similar occurrence in which the de facto complainant signed as witness, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Karur and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

07/12/2015

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, KARUR.

+2. CC to M/S.K.SAMIDURAI Advocate SR.No.69797 & 69798

+2cc to M/s.S.RAMASAMY, Advocate in SR.69740 & 69739

ORDER IN

CRL OP(MD) Nos.6104 & 6106 of 2015

Date :07/12/2015

<https://hcservices.ecourts.gov.in/hcservices/>

PBK/SK-SKN/SAR-II 09/12/2015 ::2P-9C::